

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:06CR272
Plaintiff,)	
)	
vs.)	ORDER
)	
ELEAZAR GARCIA, JR.,)	
)	
Defendant.)	

This matter is before the court on the motion for an extension of time by defendant Eleazar Garcia, Jr. (Garcia) (Filing No. 15). Garcia seeks an extension of time until October 18, 2006, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 8). Defense counsel represents to the court that counsel for the government has no objection to the extension. Defense counsel represents that Garcia will submit an affidavit wherein he consents to the motion and acknowledges that the additional time provided may be excluded under Speedy Trial Act computations. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Garcia' motion for an extension of time (Filing No. 15) is granted. Defendant Garcia is given until **on or before October 18, 2006**, in which to file pretrial motions pursuant to the progression order (Filing No. 8). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 19, 2006 and October 18, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 1:30 p.m. on September 26, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 19th day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge